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MULLEN, T	
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This is a communication from the examiner in charge of your application.
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☐ This application has been examined ☒ Responsive to communication filed on 12-15-95 ☒ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), _____ days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

1. ☐ Notice of References Cited by Examiner, PTO-892.
2. ☐ Notice of Draftsman's Patent Drawing Review, PTO-948.
3. ☐ Notice of Art Cited by Applicant, PTO-1449.
4. ☐ Notice of Informal Patent Application, PTO-152.
5. ☐ Information on How to Effect Drawing Changes, PTO-1474.
6. ☐ _____.

Part II SUMMARY OF ACTION

1. ☒ Claims 1-9 and 11-15 are pending in the application.

   Of the above, claims _____ are withdrawn from consideration.

2. ☐ Claims _____ have been cancelled.

3. ☐ Claims _____ are allowed.

4. ☒ Claims 1-9 and 11-15 are rejected.

5. ☐ Claims _____ are objected to.

6. ☐ Claims _____ are subject to restriction or election requirement.

7. ☐ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.

8. ☐ Formal drawings are required in response to this Office action.

9. ☐ The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable; ☐ not acceptable (see explanation or Notice of Draftsman's Patent Drawing Review, PTO-948).

10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on _____, has (have) been ☐ approved by the examiner; ☐ disapproved by the examiner (see explanation).

11. ☐ The proposed drawing correction, filed _____, has been ☐ approved; ☐ disapproved (see explanation).

12. ☐ Acknowledgement is made of the claim for priority under 35 U.S.C. 119. The certified copy has ☐ been received ☐ not been received ☐ been filed in parent application, serial no. _____; filed on _____.

13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.

14. ☐ Other

EXAMINER'S ACTION

PTOL-326 (Rev. 2/93)

1. The amendment filed 12/15/95 has been fully considered.

2. The drawings remain objected to because in Fig. 3, it is unclear what type of element is denoted by the word "ELECTRIC", and "TRANSCEIVER" is misspelled. Correction is required.

3. The drawings remain objected to under 37 C.F.R. § 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "receiver" and "antenna" must be shown and clearly labelled with a reference numeral or the feature cancelled from the claim. No new matter should be entered.

It is noted that there is no correspondence (via the use of reference numerals) between the elements shown in Fig. 6 and the same elements (if any) shown in other Figures; further, there is no correspondence between the elements shown in Figs. 4-5 and the same elements shown in Figs. 1-3.

4. As to the issues raised in paragraphs 2-3 above, applicant is REQUIRED to submit a proposed drawing correction (i.e., a red-ink sketch of proposed changes) in response to this Office action. However, correction of the noted defect (i.e., incorporating these changes into formal drawings) can be deferred until the application is allowed by the examiner.

5. Claims 1-9 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, lines 8-9, it is unclear what is meant by contact switches for "security" near an opening (note, by comparison, the use of "securing" at claim 15, line 6).

6. Claims 1, 3, 5 and 7 remain rejected under 35 U.S.C. § 103 as being unpatentable over Jacob in view of Severson.

Jacob discloses an alarm system comprising "portable enclosure" 14 (Fig. 1), an "interface control panel" secured within the enclosure (note the keys on the face of console 14 for performing various system functions), a pair of "wireless security... switches" 44,45 arranged at an opening to a building structure, and a signal receiver 80 installed within the enclosure 14 for receiving signals from the contact switches (note the circuit diagram for the console 14 in Fig. 4, described starting at col. 9, line 18); Jacob further teaches "initiating a telephone call" to a remote location from the console 14 (col. 6, lines 19-23), via e.g. the "alarm transmitter means" 49 (col. 9, lines 49-51).

Jacob thus teaches all the subject matter of claim 1 except for a "microprocessor board" in the enclosure 14 for controlling system functions and the security switches being "contact" switches.

Severson likewise discloses an alarm system with at least one pair of wireless security switches (note elements S1,S2,..., SN in Fig. 1), wherein the switches are "contact" switches (col. 4, line 29-31), the system being controlled by system controller SC1 having an "interface control panel" (keypad 13) and a "microprocessor" (CPU 10--col. 7, lines 23-24), and the system further having a "communication device" (dial relay 39 and modem circuitry 40--col. 10, lines 29-32) for initiating a telephone call to a remote location.

One skilled in the art having the Jacob and Severson patents efore him would have found it obvious to apply the teachings of everson to the Jacob system, in particular to use security itches of the "contact" type and to control functions of the stem via a "microprocessor board", since such elements and the lative advantages of each are notoriously old and well known in art such that to choose one over the others would merely have

been based on personal preference, convenience, or other non-critical factors.

Regarding claim 3, while Jacob teaches the use of an "audible piercing sound" for the alarm, Severson teaches using a "siren" per se as the audible alarm (note "EXTERIOR SIREN" and "INTERIOR SIREN" in Fig. 2f). It would have been obvious to use as the audible alarm in Jacob a "siren" as taught by Severson, since various types of audible alarms and the relative advantages of each are notoriously old and well known in the art such that to choose one over the others would merely have been based on personal preference, convenience, or other non-critical factors.

Regarding claim 5, Severson teaches monitoring a variety of conditions including "motion" (col. 4, lines 31 and 63-64). Where both Jacob and Severson are generally directed to "security systems" for residences, those skilled in the art would have recognized that the variety of conditions monitored by Severson are notoriously old and well known in the home security art, and therefore it would have been obvious to monitor such conditions as desired in the Jacob system, i.e. by adding a motion detector thereto.

Regarding claim 7, note antenna 79 in Jacob.

7. Claims 2, 6, 9, 11 and 13-14 remain rejected under 35 U.S.C. § 103 as being unpatentable over Jacob in view of Severson as applied to claims 1, 3, 5 and 7 above, and further in view of Tanner.

Jacob and Severson are relied upon as set forth above, and thus teach all the subject matter claimed except for:
a "handle" on the enclosure (claims 2 and 11);
a "battery" connected to the microprocessor (claim 6); and
a "video camera" within the enclosure (claim 9).

Note that Severson teaches the "siren" of claim 11 and the "motion detector" of claim 13, as discussed ~~in paragraph 10~~

above; further, the key pad 13 of Severson is "programmable" (col. 7, lines 58-64) as in claim 14.

Tanner likewise discloses an alarm system having an "enclosure" 22, the enclosure having "handles" 38 to enable the enclosure to be carried by a person (col. 2, line 33), the system being powered by a "battery" (col. 1, lines 31-32), and the system featuring an audible alarm 68, a visual alarm 74, a "motion detector" 70 and a "video camera" 76 (col. 3, lines 1-3).

One skilled in the art having the Jacob, Severson and Tanner patents before him would have found it obvious to apply the teachings of Tanner to the system of Jacob in view of Severson, in particular to (i) provide the enclosure with a "handle" and to power the system via a "battery" since such features have long been recognized as desirable in making a system portable or self-contained, which is an aim of Jacob (col. 3, lines 3-11); and (ii) use a "video camera" to monitor one or more conditions of home security (to which both Jacob and Severson are directed), since it is notoriously old and well known in the art of security systems that such cameras provide valuable visual evidence of unauthorized activity.

8. Claim 4 remains rejected under 35 U.S.C. § 103 as being unpatentable over Jacob in view of Severson as applied to claims 1, 3, 5 and 7 above, and further in view of Dunagan et al.

Jacob and Severson are relied upon as set forth above, and thus teach all the subject matter claimed except for a "strobe light" as one of the indicators of an alarm condition in their "home security"-type system.

Dunagan et al. likewise teach a "home security"-type system (note e.g. col. 11, line 22 to col. 12, line 44), wherein an alarm condition is indicated by means such as automatic telephone dialing and "strobe lights" (col. 15, lines 55-58).

One skilled in the art having the Jacob, Severson and

Dunagan et al. patents before him would have found it obvious to apply the teachings of Dunagan et al. to the system of Jacob in view of Severson, in particular to use a "strobe light" as one form of alarm indication, since a variety of alarm means and the relative advantages of each are notoriously old and well known in the art such that to choose one(s) over the others would merely have been based on personal preference, convenience, or other non-critical factors.

9. Claim 12 remains rejected under 35 U.S.C. § 103 as being unpatentable over Jacob in view of Severson and Tanner as applied to claim 11 above, and further in view of Dunagan et al.

Jacob, Severson, Tanner and Dunagan et al. are relied upon as set forth above. One skilled in the art having the Jacob, Severson, Tanner and Dunagan et al. patents before him would have found it obvious to apply the teachings of Dunagan et al. to the system of Jacob in view of Severson and Tanner, in particular to use a "strobe light" as one form of alarm indication, since a variety of alarm means and the relative advantages of each are notoriously old and well known in the art such that to choose one(s) over the others would merely have been based on personal preference, convenience, or other non-critical factors.

10. Claims 1 and 7-8 remain rejected under 35 U.S.C. § 103 as being unpatentable over Jacob in view of Glidewell et al.

Jacob discloses an alarm system comprising "portable enclosure" 14 (Fig. 1), an "interface control panel" secured within the enclosure (note the keys on the face of console 14 for performing various system functions), a pair of "wireless security... switches" 44,45 arranged at an opening to a building structure, and a signal receiver 80 installed within the enclosure 14 for receiving signals from the contact switches (note the circuit diagram for the console 14 in Fig. 4, described starting at col.

9, line 18); Jacob further teaches "initiating a telephone call" to a remote location from the console 14 (col. 6, lines 19-23), via e.g. the "alarm transmitter means" 49 (col. 9, lines 49-51).

Jacob thus teaches all the subject matter of claim 1 except for a "microprocessor board" in the enclosure 14 for controlling system functions and the security switches being "contact" switches.

Glidewell et al. likewise disclose an alarm system with at least one pair of wireless security switches (note sensor means 16 in Fig. 1), the system being controlled by master control unit 60 (Figs. 3-4) in combination with receiver means 18 and slave transmitter 20 (Fig. 1), the combination having an "interface control panel" (keypad 34, Fig. 1) and a "microprocessor" (CPU 70, Fig. 4), and the system further having a "communication device" (auto dialer 80 and DAA 82) for initiating a telephone call to a remote location.

One skilled in the art having the Jacob and Glidewell et al. patents before him would have found it obvious to apply the "microprocessor" of Glidewell et al. to the Jacob system and further to use "contact" switches in the Jacob system, since such elements and the relative advantages of each are notoriously old and well known in the art such that to choose one over the others would merely have been based on personal preference, convenience, or other non-critical factors.

Regarding claim 7, note antenna 79 in Jacob.

Regarding claim 8, Glidewell et al. further teach that their communication device may include a "cellular transceiver" (col. 5, lines 27-28). It would have been obvious to use as the communication device in Jacob a "cellular transceiver" as taught by Glidewell et al., since various types of telephonic devices and the relative advantages of each are notoriously old and well known in the art such that to choose one over the others would merely have been based on personal preference, convenience, or

other non-critical factors.

11. Claims 2, 6 and 9 remain rejected under 35 U.S.C. § 103 as being unpatentable over Jacob in view of Glidewell et al. as applied to claims 1 and 7-8 above, and further in view of Tanner.

Jacob and Glidewell et al. are relied upon as set forth above, and thus teach or suggest all the subject matter claimed except for:

a "handle" on the enclosure (claim 2);
a "battery" connected to the microprocessor (claim 6); and
a "video camera" within the enclosure (claim 9).

Tanner is relied upon as set forth above. One skilled in the art having the Jacob, Glidewell et al. and Tanner patents before him would have found it obvious to apply the teachings of Tanner to the system of Jacob in view of Glidewell et al., in particular to (i) provide the enclosure with a "handle" and to power the system via a "battery" since such features have long been recognized as desirable in making a system portable or self-contained, which is an aim of Jacob (col. 3, lines 3-11); and (ii) use a "video camera" to monitor one or more conditions of home security (to which both Jacob and Glidewell et al. are directed--note that Glidewell et al. teach that their system is applicable to "apartments", col. 1, line 17), since it is notoriously old and well known in the art of security systems that such cameras provide valuable visual evidence of unauthorized activity.

12. Claim 4 remains rejected under 35 U.S.C. § 103 as being unpatentable over Jacob in view of Glidewell et al. as applied to claims 1 and 7-8 above, and further in view of Dunagan et al.

Jacob, Glidewell et al. and Dunagan et al. are relied upon as set forth above. One skilled in the art having the Jacob, Glidewell et al. and Dunagan et al. patents before him would have

found it obvious to apply the teachings of Dunagan et al. to the system of Jacob in view of Glidewell et al., in particular to use a "strobe light" as one form of alarm indication, since a variety of alarm means and the relative advantages of each are notoriously old and well known in the art such that to choose one(s) over the others would merely have been based on personal preference, convenience, or other non-critical factors.

13. Claims 11 and 14 remain rejected under 35 U.S.C. § 103 as being unpatentable over Tanner in view of Severson.

Tanner discloses an alarm system having a "portable enclosure" 22, the enclosure having "handles" 38 to enable the enclosure to be carried by a person (col. 2, line 33); an "interface control panel" (programmable keypad 28) associated with the enclosure 22 (col. 2, lines 25-27); and a "cellular telephone signal transmitter" (i.e. a "communication circuit"--col. 3, lines 8-11) for initiating a telephone call to a remote location. The system is powered by a "battery" (col. 1, lines 31-32), and features an audible alarm 68, a visual alarm 74, a "motion detector" 70 and a "video camera" 76 (col. 3, lines 1-3); the motion detector 70 constitutes a "signal receiver" for receiving signals from at least one zone within a monitored area (i.e., receiving whatever type of signals are representative of the "motion").

Thus, Tanner teaches all the subject matter of claims 11 and 14 except for a "microprocessor board" in the enclosure 22 for controlling system functions, and the audible alarm thereof being a "siren".

The teachings of Severson are set forth above. One skilled in the art having the Tanner and Severson patents before him would have found it obvious to apply the teachings of Severson to the Tanner system, in particular to control functions of the system via a "microprocessor board" and to use a "siren" per se

as the audible alarm, since such elements and the relative advantages of each are notoriously old and well known in the art such that to choose one over the others would merely have been based on personal preference, convenience, or other non-critical factors.

14. Claim 12 remains rejected under 35 U.S.C. § 103 as being unpatentable over Tanner in view of Severson as applied to claim 11 above, and further in view of Dunagan et al.

The teachings of Tanner, Severson and Dunagan et al. are set forth above. One skilled in the art having the Tanner, Severson and Dunagan et al. patents before him would have found it obvious to apply the teachings of Dunagan et al. to the system of Tanner in view of Severson, in particular to use a "strobe light" as one form of alarm indication, since a variety of alarm means and the relative advantages of each are notoriously old and well known in the art such that to choose one(s) over the others would merely have been based on personal preference, convenience, or other non-critical factors.

15. Claim 15 is rejected under 35 U.S.C. § 103 as being unpatentable over the collective teachings of Jacob, Severson, Glidewell et al., Tanner and Dunagan et al.

Jacob discloses an alarm system comprising "enclosure" 14 (Fig. 1), an "interface control panel" secured within the enclosure (note the keys on the face of console 14 for performing various system functions), a pair of "wireless security... switches" 44,45 arranged at an opening to a building structure, and a signal receiver 80 installed within the enclosure 14 for receiving signals from the contact switches (note the circuit diagram for the console 14 in Fig. 4, described starting at col. 9, line 18); Jacob further teaches "initiating a telephone call" to a remote location from the console 14 (col. 6, lines 19-23),

via e.g. the "alarm transmitter means" 49 (col. 9, lines 49-51).

Severson discloses an alarm system with at least one pair of wireless security switches (note elements S1,S2,..., SN in Fig. 1), wherein the switches are "contact" switches (col. 4, line 29-31), the system being controlled by system controller SC1 having an "interface control panel" (keypad 13) and a "microprocessor" (CPU 10--col. 7, lines 23-24), and the system further having a "communication device" (dial relay 39 and modem circuitry 40--col. 10, lines 29-32) for initiating a telephone call to a remote location.

Tanner discloses an alarm system having an "enclosure" 22, the enclosure having "handles" 38 to enable the enclosure to be carried by a person (col. 2, line 33), the system being powered by a "battery" (col. 1, lines 31-32), and the system featuring an audible alarm 68, a visual alarm 74, a "motion detector" 70 and a "video camera" 76 (col. 3, lines 1-3).

Glidewell et al. disclose an alarm system with at least one pair of wireless security switches (note sensor means 16 in Fig. 1), the system being controlled by master control unit 60 (Figs. 3-4) in combination with receiver means 18 and slave transmitter 20 (Fig. 1), the combination having an "interface control panel" (keypad 34, Fig. 1) and a "microprocessor" (CPU 70, Fig. 4), and the system further having a "communication device" (auto dialer 80 and DAA 82) for initiating a telephone call to a remote location.

Dunagan et al. teach a "home security"-type system (note e.g. col. 11, line 22 to col. 12, line 44), wherein an alarm condition is indicated by means such as automatic telephone dialing and "strobe lights" (col. 15, lines 55-58).

One skilled in the art having the Jacob, Severson, Tanner, Glidewell et al. and Dunagan et al. patents before him would have found it obvious to combine their teachings in the manner recited in claim 15, in particular to modify the Jacob system by:

--using security switches of the "contact" type,
--controlling functions of the system via a "microprocessor board",
--providing the enclosure with a "handle",
--using a "siren" as the audible alarm,
--using a "strobe light" as one form of alarm indication,
--using a "motion detector" for intrusion detection,
--powering the system via a "battery", and
--using as the communication device a "cellular transceiver",
since: (i) various types of alarm means, telephonic devices, etc. and the relative advantages of each are notoriously old and well known in the art such that to choose one over the others would merely have been based on personal preference, convenience, or other non-critical factors; (ii) those skilled in the art would have recognized that it is notoriously old and well known in the home security art to monitor a variety of conditions including "motion", and therefore it would have been obvious to monitor any or all such conditions as desired in the Jacob system, i.e. by adding a motion detector thereto; and (iii) conventional devices such as a "handle" and a "battery" have long been recognized as desirable in making a system portable or self-contained, which is an aim of Jacob (col. 3, lines 3-11).

16. Applicant's arguments filed 12/15/95 have been fully considered but they are not deemed to be persuasive.

Regarding the drawings, there is no basis for "hold(ing) all objections to the drawings in abeyance until such time as allowable subject matter is indicated". See paragraph 4 above.

Applicant argues that the references fail to teach or suggest a "portable" alarm system, as applicant supposedly has disclosed and claimed. However, applicant's system isn't entirely portable in the normal sense of the word, since the contact switches (and an associated transmitter) have to be

physically mounted adjacent a doorway--presumably involving some sort of physical/structural alteration of the door and/or door frame (e.g. using screws or adhesive)--and are located outside of the "enclosure" of Figs. 1-3. Furthermore, at the time of applicant's invention it was notoriously old and well known in the art of intrusion alarms that various electronic components such as batteries, alarms, transmitters, telephonic circuitry, etc. could be placed into a self-contained enclosure so as to achieve the long recognized advantages and convenience of "portability" of these components wherein they may be transported from one location of use to another. The references relied upon, to varying degrees, demonstrate this concept. As such, the difference in "portability" between applicant's system and what is taught in the prior art (note the "portable" enclosures 14 of Jacob and 22 of Tanner, for example) is considered merely a change in degree (of "portability") rather than a change in kind, and it is well recognized that mere changes in degree do not involve a patentable step. See In re Aller, 105 USPQ 233 (CCPA 1955). In particular, it is well recognized that a mere change in degree cannot be equated with a "new and unexpected result", and "it is not regarded as inventive to merely make an old device portable or movable without producing any new and unexpected result" In re Lindberg, 93 USPQ 23,26 (CCPA 1952). Therefore, the "enhanced" portability of applicant's system does not constitute an inventive step.

Applicant's assertion that col. 1, lines 25-32 of the Tanner disclosure demonstrates that Tanner "teaches away" from the claimed invention is without basis. In particular, the assertion that col. 1, lines 25-32 of Tanner implies that "there are no equal alternatives to a permanent alarm system" and that a portable system is "less desirable" is mere speculation, and it is considered that this particular portion of the Tanner disclosure does not negative either (i) the other teachings of that refer-

ence or (ii) the reasons for combining such teachings with the teachings of other prior art disclosures. More to the point, applicant is effectively arguing that the claimed invention would not have been obvious to Tanner, whereas 35 U.S.C. 103 defines patentability as what would not have been obvious to one of ordinary skill in the art.

Regarding claim 15, applicant merely is combining the subject matter of dependent claims 2-6 and 8 with that of claim 1. The features recited in the dependent claims are notoriously old and well known aspects of intrusion-type alarm systems, such that the combination of all of these features (or any subset of these features) in such a system, and/or their placement in the "enclosure", does not involve an inventive step--even if several different references (five in this case) are needed to show all the conventionally-known features.

17. Applicant's amendment necessitated the new grounds of rejection. Accordingly, **THIS ACTION IS MADE FINAL.** See M.P.E.P. § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

18. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tom Mullen whose telephone number is (703) 305-4382. The examiner can normally be reached on Mon.-Fri. from 7:30AM to 4:00PM (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Peng, can be reached on (703) 305-4392. The fax phone number for this Group is (703) 305-9508.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-8576.

T.Mullen
March 7, 1996

Thomas J. Mullen Jr
THOMAS MULLEN
PATENT EXAMINER
GROUP 2600